

Law Offices of
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August 8, 2008

Via Hand Delivery

Chairman Johnson and Members of the Commission
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

**Re: FPPC August 14, 2008 Agenda Item 18; Amendments to
Regulation 18946.4 – Tickets to Nonprofit Fundraising Events**

Dear Chairman Johnson and Members of the Commission:

I represent the Bob Moretti Memorial Scholarship Foundation (“the Foundation”), an IRC 501(c)(3) charitable organization based in Sacramento, California, and I write to you today in opposition to the proposed changes to Regulation 18946.4.

The Foundation was created in honor of Bob Moretti, the former speaker of the California State Assembly who tragically died of a heart attack in 1984. The love and respect felt for Speaker Moretti brought together a large and diverse group of California’s leading citizens, including many members of the State Legislature, who wished to create a living memorial to this man. The Foundation is that living memorial. For 24 years, the single goal of the Foundation has been to raise money to award scholarships to deserving California students attending post-secondary institutions. In the last four years alone, the Foundation has awarded over 100 scholarships totaling more than \$230,000. Students are often faced with a difficult choice between staying in college and leaving school to find work in order to support themselves. The Foundation’s scholarships have helped many such students stay in school.

The sole funding source for the Foundation is the annual Moretti-Legislative Leaders Golf Tournament. Involvement of our legislators and other public officials in this important annual event has generated participation from the entire Capitol Community, and beyond, in a celebratory event, not a political one.

The Foundation’s annual fundraiser provides a limited number of state officials with a complimentary round of golf and/or a meal at the post-tournament dinner and, because of Regulation 18946.4, neither the round of golf nor the dinner has “value”, so neither is considered a “gift”. It is no secret that many of the fundraiser’s attendees, including private citizens and representatives of numerous small and large private companies, enjoy the opportunity to meet and speak with legislators and other state

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officials. While some of the Foundation's contributors are very involved in the Capitol, others have little or no involvement in the political world. Regardless of who the contributors are, however, it is clear that amending Regulation 18946.4 will have a significant, immediate and tremendously limiting effect on the number of state officials who will attend the fundraiser. The Foundation's Board of Directors is convinced that this significant change in the rules applicable to such charitable fundraising will greatly harm the Foundation's fundraising efforts by limiting the significant draw value that the presence of public officials brings to the event. The amendment also would create unreasonably complex reporting obligations and potential conflict of interest issues as sponsors endeavor to determine and record who receives what ticket from whichever contributor.

When the Commission adopted Regulation 18946.4, its members recognized that some public officials would benefit from the regulation by receiving meals, an occasional round of golf or some other such item. However, it was the Commission's view then that the benefits conveyed upon the charitable organizations of California far outweigh any small personal benefit that may be derived by a public official attending such an event.

If the Commission wishes to remedy the occasional instance in which a public official may receive a substantial personal benefit under the regulation, the Foundation believes that goal can be achieved in a much more limited manner without seriously hurting organizations such as the Foundation, an organization that is simply tasked with, and solely interested in, helping our State's young people receive the education they need, want and deserve.

I look forward to appearing before the Commission at its August 14th meeting to further explain the Foundation's position.

Cordially,
LAW OFFICES OF BEN DAVIDIAN

A handwritten signature in dark ink, appearing to read 'Ben Davidian', with a long horizontal line extending to the right.

Ben Davidian